

**REMARKS**

The Examiner's continued attention to the present application is noted with appreciation.

**Claim Rejections - 35 U.S.C. § 103(a)**

In section 8 of the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 under 35 U.S.C. § 103 as being unpatentable over Shingleton (US 6,058,930) in view of Nath et al. (26<sup>th</sup> PVC reference). The Examiner asserts that Shingleton teaches each element of Applicant's claim 1. Applicant has amended claim 1 to recite in part: "at least one rotor bearing assembly comprising at least one rotor bearing assembly coupler tube rotatably disposed in a sleeve bearing, said rotor bearing assembly coupler tube further rotatably disposed within a coupler torque tube and disposed at said second end of said horizontal array support beam at said top end of said support pillar." No new matter is presented by this amendment (see page 7, lines 12-15 and Figs. 7a, 10a, and 10b of the application as originally filed). Nowhere does Shingleton teach a rotor bearing assembly comprising a rotor bearing assembly coupler tube rotatably disposed within a coupler torque tube disposed adjacent to a horizontal array support beam. Nath does not cure the deficiencies of Shingleton. Accordingly, Applicant's amended independent claim 1 is now allowable. Additionally, dependent claims 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 are also now allowable over Shingleton in view of Nath et al.

In section 9, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Shingleton (US 6,058,930) in view of Nath et al. (26<sup>th</sup> PVC reference) as applied to claims 1, 2, 4, 5, 7, 8, 10, 11, 13-16 and 18-20, and further in view of Cifaldi (US 6,372,978), relied upon for reasons given above. Nowhere does Cifaldi recite at least one rotor bearing assembly comprising a coupler tube, and thus neither cures the deficiencies of Shingleton nor Nath et al. Therefore, Applicant believes amended claim 1 is allowable and dependent claims 2, 4, 5, 7, 8, 10, 11, 13-16 and 18-20 are also allowable.

In section 10, the Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Shingleton (US 6,058,930) in view of Nath et al. (26<sup>th</sup> PVC reference) as applied to claims 1, 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 above, and further in view of Matlin (US 5,143,556). Nowhere does Matlin recite at least one rotor bearing assembly comprising a coupler tube. Therefore, Applicant believes amended claim 1 is now allowable and dependent claims 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 are also allowable.

In section 11, the Examiner also rejected claims 1, 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Prideaux et al. (US 4,429,178) in view of Shingleton (US 6,058,930) and Nath et al. (26<sup>th</sup> PVC reference). The Examiner asserts that Prideaux teaches rotor bearing assemblies having bearings allowing rotation of the tube and panel, as claimed by Applicant. (Col. 4, lines 50-59) Nowhere does Pidreux et al. teach coupler tubes disposed in a rotor bearing assembly. Therefore, Applicant believes amended claim 1 is now allowable and dependent claims 2, 4, 5, 7, 8, 10, 11, 13-16, and 18-20 are also allowable.

New claims 21-29, which are all dependent claims, are also believed to be allowable.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Date: December 1, 2008

Respectfully submitted  
  
By: \_\_\_\_\_  
Deborah A. Peacock, Reg. No. 31,649  
Direct line: (505) 998-1501

PEACOCK MYERS, P.C.  
Attorneys for Applicant(s)  
P.O. Box 26927  
Albuquerque, New Mexico 87125-6927  
Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

**Customer No. 005179**

G:\A-CLIENTS\Sacred Power\AMDS\Tracking Solar Shelter\_OA Resp (3) 111008.doc